

105 Medico-legal Simulation: Using Simulation to Educate Medical Providers on the

Anatomy of a Malpractice Case

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Introduction: Medico-Legal simulation is not often explored by traditional simulation models; however it is beneficial in helping providers understand and experience the events surrounding a lawsuit and deposition. We describe the use of simulating a mock deposition.

Methods: Planning began between the simulation team, physicians to be deposed, and attorneys from a national law firm. The idea: present a mock deposition during a weekly EM educational conference. Two real cases (found in the defendant's favor) were used after de-identifying the cases for HIPAA compliancy. The actual physicians involved in these cases did not take part in the simulation. A senior resident and our department chairman volunteered to be prepped for deposition. Charts were created including records pertaining to the ED care at issue as well as prior visits, testing/EKGs, etc. Actual defense lawyers met with each of the two to-be-deposed physicians prior to the simulation to prep them for their testimonies. On the sim day, a panel of attorneys spent time discussing with our group of students, residents, and attendings the anatomy of a medical-civil lawsuit and a deposition. After this, the chairman and the senior resident were each deposed separately by different lawyers. The cases used involved a chest pain and headache complaint. AV equipment was used to record the depositions; and after each, the legal team reviewed highlights and key points, both negative and positive. This was followed with a question and answer session with the legal panel.

Reflection/Results: Feedback of the simulation was positive. Learners felt it helped reveal myths and fears of a legal suit; while educating on the many caveats and pit falls of a deposition. It also allowed observers to contrast the testimony of a new young senior EM resident versus that of a seasoned EM physician. Techniques and strategies of navigating and giving testimony in a suit and deposition were discussed by the attorneys.